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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,746	08/28/2006	Werner Swoboda	OST-051301	2595
22876	7590	03/23/2010		
FACTOR & LAKE, LTD 1327 W. WASHINGTON BLVD. SUITE 5G/H CHICAGO, IL 60607				
EXAMINER				
KOCH, GEORGE R				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
03/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,746

Applicant(s)

SWOBODA, WERNER

Examiner

George R. Koch III

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 4-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I in the reply filed on 1/18/2010 is acknowledged. The traversal is on the ground(s) that there is no search burden. This is not found persuasive because applicant merely makes a conclusory statement, and sets forth no grounds as to why examination of 41 total claims involving separate subject matter does not involve a search burden. Applicant also fails to address why there is no examination burden, offering no arguments or remarks as to why there is no examination burden.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. It is unclear whether claim 3 has any substantive limitations. The term "may be" is generally construed as an optional limitation. It is suggested that applicant use more definite language than "may be".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Urquhart (US 4,772,374).

As to claim 1, Urquhart discloses an apparatus for curing a coating on an object, said coating consisting of a material which cures under electromagnetic radiation, the apparatus including at least one radiation emitter (heating oven 20c, which may include a plurality of infrared or radiant wall panels 378, see column 9, lines 19-27) producing electromagnetic radiation; a conveyor system (work carrier unit 30, superstructure 24, and see Figure 2), which conveys the object into the vicinity of the radiation emitter and away again therefrom; wherein the conveyor system comprising: at least one transport carriage (Figure 2, Figure 5, work carrier unit 30), which may be displaced translationally on at least one running surface (rails 39 on both sides) and comprising: a drive motor (transfer motor 46) for the translational movement; a support frame (shown in Figure 5), to which the object may be attached (shown in Figure 5).

The phrase “which may be pivoted or swivelled independently of the translational movement about a pivot or swivel axis extending perpendicularly to the direction of the translational movement” is an optional limitation which is not required by the claim. The term “may be” is interpreted as making the language optional. Nevertheless, Urquhart does disclose that the support frame may be pivoted or swivelled independently (via pivots 226 and 228) of the translational movement about a pivot or swivel axis extending perpendicularly to the direction of

the translational movement (see column 5, line 65 to column 6, line 31, disclosing two different embodiments for pivoting or oscillating movement).

As to claim 2, Urquhart discloses that the transport carriage comprises at least one arm (see Figure 4 and 5, showing number structures 222, 224, 230b, 240b, etc which could read on the term “arm”), to the outer end of which the support frame is attached in pivotable or swivellable manner (for example, item 222 pivots on one end of Figure 5 around item 226) and which may be pivoted or swivelled at its opposing, inner end (for example, item 224 pivots on the other end around item 228) about a second pivot or swivel axis. The term “may be” is interpreted as making the language optional (as used in “may be pivoted or swivelled at its opposing, inner end about a second pivot or swivel axis.”)

As to claim 3, Urquhart discloses that the transport carriage may be moved on two parallel running surfaces (rails 39, see column 4, lines 1-7, disclosing rail 39, and see Figure 2, showing a pair of parallel rails 39). The term “may be” is interpreted as making the language optional.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can also be reached by E-mail at george.koch@uspto.gov in accordance with MPEP 502.03. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George R. Koch III/
Primary Examiner, Art Unit 1791

3/18/2010